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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,467	12/11/2001	Pan-Gyu Kang	A32966-A - 072944.0145	4619

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BAKER BOTTS L.L.P.
44TH FLOOR
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112-0228

EXAMINER

KLEBE, GERALD B

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/015,467

Applicant(s)
Kang

Examiner
Gerald Klebe

Art Unit
3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 11, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

G. Klebe
11 June 2003

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DETAILED ACTION

Restriction / Election

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

I. Figs 1-9: drawn to a golf bag cart having a pressurizing member fixed to the bag, positioned just below the cart support, and linked to the cart wheel structures such that when the pressurizing member is pressed against the cart supporting surface the cart supporting wheel structure is caused to be erected by a predetermined angle to support the cart in a stable, inclined orientation on the surface, in class 280, subclass 47.18;

II. Fig 10, drawn to a golf bag cart having a pressurizing member directly hinge-coupled to the lower end portion of the lateral surface of the bag body;

III. Fig 11, drawn to a golf bag cart having an inclined portion on its bottom end and a pressurizing member having one end integrally connected to the inclined portion such that the other end of the pressurizing member can move freely up and down parallel to the lateral surface of the bag body;

IV. Fig 12, drawn to a golf bag cart having a guide member fixed to the lower end portion of the lateral surface of the bag with a pressurizing member connected to the bottom end of the cart support in a body such that it is caused to move along the guide member when pressed against the cart supporting surface;

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V. Fig 13, drawn to a golf bag cart having spacers at the top and bottom of the bag providing space between the cart support and the bag and with a pressurizing member fixed to the bag, positioned just below the cart support and extending outwardly beyond the spacers;

VI. Fig 14, drawn to a golf bag cart having a spacer at the top end of the bag providing space between the cart support and the bag and with a pressurizing member fixed to the bag, positioned just below the cart support and extending outwardly beyond the cart support to connect with the link members that extend the wheel supports;

VII. Fig 15, drawn to a golf bag cart having a pressurizing member integrally connected to the lower portion of and inclined portion of the bottom surface of the cart support frame so that the pressurizing member can be rotated when the cart is inclined to the supporting surface;

VIII. Fig 16, drawn to a golf bag cart having an elastic pressurizing member connected at one end to the lower portion of the cart support with its other end connected to the wheel structure erecting links to enable the pressurizing member to be rotated when the cart is inclined;

IX. Fig 17, drawn to a golf bag cart having a pressurizing member connected to the lower portion of the car support by means of a wedge portion and the other end connected to the link member so that the pressurizing member can be rotated when the cart is inclined;

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X. Fig 18, drawn to a golf bag cart having a pressurizing member connect to the front portion of the lateral side of the bag and formed with a groove at one end with the other end connected to the link member so that the pressurizing member can be rotated when the cart is inclined.

Figures 19 and 20 show the ratchet mechanism used in all of the embodiments to fix the bag to the cart.

2. A telephone call was placed to the attorney of record in the case, Mr. Neil Sirota, Reg. No. 38,306, on 9 June 2003 to request an oral election to the above restriction requirement, but Mr. Sirota was unavailable at that time. In a return call on June 11th, representing Mr. Sirota, Associate Attorney Peter Shen, Reg. No. 52,217, directed that a written restriction requirement be provided. Applicant is advised that the reply to this requirement, to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there appears to be no allowable generic claim.

4. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.


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5. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Conclusion

7. Any inquiry concerning this communication from the examiner should be directed to Gerald B. Klebe, telephone 703-305-0578, facsimile 703-308-2571, between 8:00 AM and 4:30 PM ET, Mon-Fri., or to Supervisory Patent Examiner Brian L. Johnson, Art Unit 3618, telephone 703-308-0885.


gbklebe / Art Unit 3618 / 11 June 2003


SUPERVISORY PATENT EXAMINER
6/13/03